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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,687	05/22/2004	Eduard Torrents Gavalda	8158ES	3686
23688	7590	04/07/2006	EXAMINER	
Bruce E. Harang PO BOX 872735 VANCOUVER, WA 98687-2735			AMRANY, ADI	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,687

Applicant(s)

TORRENTS GAVALDA ET AL.

Examiner

Adi Amrany

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 1-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/22/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continuity / Priority

1. In the Application Data Sheet, applicants claim both continuity and foreign priority for the present application based on the same two documents; The Spanish PCT filed 12/2002 and the WO document filed 7/2003. It appears that the present application is a continuity application based on the Spanish or WO documents and that there should be no foreign priority claim. It is requested that applicants clarify the status of the present application with respect to continuity and foreign priority.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electric motor (1), control board (2), switching board (3), multi-signal channel (4), vehicle chassis (5) and window opening mechanism (6) must be shown or the features will be canceled from the claims. The box diagrams of items 1-6 in figure 1 are not sufficient to convey the features of the components of the invention. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: Paragraph 13, line 16; there appears to be a period (.) missing after "prevent shorts".

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because it contains references to "door switch node" and "smart power windows mode." These limitations were disclosed in the specification (paragraphs 8 and 13), but these limitations were not defined. The door switch node appears to be an alternative form of a switching board, and the smart power windows motor appears to be an alternative form of the operation and control board. These alternative terms, however, are not defined by the specification at a sufficient level.

Claim 1 is objected to because of the limitation of "being these circuits connected to the vehicle chassis" is confusing and unclear. This phrase is preceded by a comma (,), however, it is unclear to which part of the claim this phrase is connected. This phrase will be interpreted based on language found in the specification, which recites, "the previously referred circuits are connected to the vehicle's chassis" (paragraph 13). The specification, however, is also unclear as to the connection of the circuits to the chassis. It is inherent that a circuit, in order to be part of a vehicle, must be connected in some way to that vehicle, and in turn, connected to that vehicle's chassis. For the purposes of the art rejection of claim 1, the phrase "connected to the vehicle's chassis" will be interpreted to mean that the circuit components of claim 1 are grounded to the chassis.

Claims 2-12 are objected to because they depend on claim 1.

4. Claim 2 is objected to because the recited limitation that the switch "is unique" is improper and indefinite claim language. A claim that a component is unique should be set forth in the detailed description of the specification, and since the component is unique, it is presumably not commercially available equipment, and therefore, must be fully disclosed in the specification.

5. Claims 10-12 are objected to because there is no written description in the specification to support the limitation that the lever switch or joystick can *rotate in manual mode and move forward and backward when in automatic mode*. The specification only repeats this phrase (paragraph 14). There is no disclosure regarding the manipulation of the lever switch or joystick. A switch is defined as: a device for

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making and breaking an electrical connection (AskOxford.com online dictionary).

Therefore, a switch only has two possible positions, on and off. A "lever switch" has not been defined in the specification. Therefore, the lever switch of claims 10-12 will be interpreted as a device with only one degree of movement: forward and backward. For the purposes of the art rejection of claims 10-12, the limitation of "rotate in manual mode" is interpreted as only applying to the joystick, since joysticks are known to have 6 degrees of movement (forward/backward, left/right, twist clockwise/twist counterclockwise).

6. Claims 1-12 are further objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims appear to be a word-for-word copy of the specification. There is no support in the specification for the limitations recited in claims 1-12. The specification does not contain any further definitions or descriptions for the limitations of claims 1-12 that not clearly defined.

Therefore, for the purposes of the art rejections of claim 1-12, the examiner has interpreted the recited limitations in the manner described below.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 1-2, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (US 5,857,071).

With respect to claim 1, Chang discloses an advanced automobile window-opening operation device (figure 1; column 2, lines 41-45) consisting of:

an electromechanical set (figure 6a; column 2, lines 45-53) that includes an activation switch (item 30) and electronic switching circuitry (figure 6a, items 26, 28; column 3, lines 5-10) that can operate on an electrical motor (figure 2, item 66) mechanically associated to the vehicle's window-opening mechanism (figure 2, item 60),

characterized because the mentioned switch operates on the window opening mechanism by means of the aforementioned electronic switching circuitry (figure 2, items 26,28), which includes a switching board (figure 6a, items 30,32,34; column 2, lines 53-57);

provided with communication through a multi-signal channel or bus to the electronic system of the vehicle,

and connected through another multi-signal channel or bus (figure 2, connections between switching circuitry 26,28 and driver 60) to the activation and control board of the electric motor of the window-opening device,

being these circuits connected to the vehicle's chassis (figure 3a, 3b, 4, 7a, and 7b, circuits share a common ground).

The communication of the electromagnetic set through a multi-signal channel or bus to the electronic system of the vehicle is inherent in Chang, since it is necessarily provided to connect the switching circuitry to the rest of the vehicle. The power window switch in Chang does not have its own power source (figure 2), and therefor, must be connected to the electronic system of the vehicle. Further, it is inherent that the grounded circuit components in Chang are connected to the vehicle's ground, which is connected to the vehicle's chassis. Otherwise, the circuits ground would not be a ground, but simply another conductive wire.

With respect to claim 2, Chang discloses a device according to claim 1, and further discloses the switch is multi-position (figure 6a; column 2, lines 53-57) and has two operating modes (figures 7a, 7b; column 5 line 44 to column 6, line 55), one manual for low displacement speeds and another one automatic for high speed of displacement of the window opening device.

The power window switch disclosed in Chang is multi-position (forward and reverse) and contains four operating modes (00,01,10,11; column 6, lines 54-55), where each mode results in a different displacement speed.

With respect to claim 10, Chang discloses the device according to claim 1, and further discloses the switch is shaped like a lever switch (figure 6a, item 30).

With respect to claim 11, Chang discloses the device according to claim 2, and further discloses the switch is shaped like a lever switch (figure 6a, item 30).

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9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang.

With respect to claim 3, Chang discloses a device according to claim 1, but does not expressly disclose the described device permits the operation of the panels of one door from the opposite door by means of the mentioned communication means, through multi-signal channel or bus, with the vehicle's electronic system.

At the time of the invention by applicants, it would have been obvious to a person of ordinary skill in the art to combine the power window switch disclosed in Chang with a control panel that permits the operation of a window (passenger side) from the opposite door (passenger side). Such a configuration is standard on modern cars with power windows.

The motivation for doing so would have been to provide the driver of the car with convenient access to control all the windows in the vehicle.

With respect to claim 12, Chang discloses a device according to claim 3, and further discloses the switch is shaped like a lever switch (figure 6a) or joy stick to rotate in manual mode and to move forward and backward when in automatic mode, as discussed above in the rejection of claims 10 and 11, as discussed above.

11. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, in view of Boisvert (US 6,064,165).

With respect to claim 4, Chang discloses a device according to claim 1, but does not expressly disclose a stop anti-catch feature controlled by means of the window opening device's electric motor operation and control board.

It would have been obvious to a person of ordinary skill in the art to include a control board. Such a component is necessary in order to provide a support for mounting and connecting the components of the circuitry of the window control device.

Boisvert discloses power window control device that can detect an obstruction when the window is closing (figures 1a, 1b, items 10, 12; column 8, lines 22-34).

Chang and Boisvert are analogous because they are from the same field of endeavor, namely controllers for operating power windows.

At the time of the invention by applicant, it would have been obvious to a person of ordinary skill to combine the power window switch disclosed in Chang with the stop anti-catch device disclosed in Boisvert. The stop anti-catch device disclosed in Boisvert is applicable to sunroofs, as well as power windows (column 4, lines 27-39).

The motivation for doing so would have been to stop the power window motor in the event of an obstruction blocking the path of the window.

With respect to claim 5, Chang discloses a device according to claim 2, and Boisvert discloses a stop anti-catch feature controlled by means of the window opening device's electric motor operation and control board, as discussed above.

With respect to claim 6, Chang discloses the device according to claim 3, and Boisvert discloses a stop anti-catch feature controlled by means of the window opening device's electric motor operation and control board, as discussed above.

With respect to claim 7, Chang discloses the device according to claim 1, and Boisvert discloses a window-opening operating device that operates on sunroofs (figure 6, items 200-208; column 2, lines 29-37; column 22, lines 33-67) in addition to the vehicle's door windows.

At the time of the invention by applicants it would have been obvious to combine the power window switch disclosed in Chang with the power sunroof operator disclosed in Boisvert.

The motivation for doing so would have been to apply the same control system to multiple windows. The sunroof is simply a power window that operates in a horizontal direction.

With respect to claim 8, Chang discloses a device according to claim 2, and Boisvert discloses the device operates on sunroofs, in addition to the vehicle's door window, as discussed above.

With respect to claim 9 Chang discloses a device according to claim 3, and Boisvert discloses the device operates on sunroofs, in addition to the vehicle's door window, as discussed above.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adi Amrany whose telephone number is (571) 272-0415. The examiner can normally be reached on weekdays, from 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2058. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PHUONG T. VU
PRIMARY EXAMINER